

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

UNITED STATES OF AMERICA,

Plaintiff,

V.

C.A. No. 20-1744-CFC

WALMART INC. AND WAL-MART  
STORES EAST, LP,

Defendant.

## RESPONSE TO NOTICE OF SUPPLEMENTAL AUTHORITY

In its Notice of Supplemental Authority (D.I. 102), the Government cites an agency order in *Morris & Dickson Co., LLC*, 88 Fed. Reg. 34,523 (May 30, 2023), revoking a distributor’s Certificates of Registration under 21 U.S.C. § 824(a)(4) and 21 U.S.C. § 823(b), (e). Nothing in that *revocation* decision bears on whether the Controlled Substances Act imposed *civil monetary penalties* for failing to report suspicious orders prior to October 2018. (D.I. 94 at 15-17.) Nor does this agency decision address whether the CSA imposes civil penalties based on a distributor’s inadequate suspicious order monitoring system. *Id.* at 18. It therefore does not bear on Walmart’s pending motion.

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Dated: June 7, 2023

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